

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 356

Introduced by Byars, 30

Read first time January 13, 1999

Committee: Transportation

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-4,182 and 60-6,272, Reissue Revised Statutes
3 of Nebraska; to authorize enforcement of occupant
4 protection system requirements as a primary action; to
5 provide for court costs; to harmonize provisions; to
6 repeal the original sections; and to outright repeal
7 section 60-6,271, Reissue Revised Statutes of Nebraska.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,182, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,182. In order to prevent and eliminate successive
4 traffic violations, there is hereby provided a point system dealing
5 with traffic violations as disclosed by the files of the director.
6 The following point system shall be adopted:

7 (1) Conviction of motor vehicle homicide -- 12 points;

8 (2) Third offense drunken driving in violation of any
9 city or village ordinance or of section 60-6,196, as disclosed by
10 the records of the director, regardless of whether the trial court
11 found the same to be a third offense -- 12 points;

12 (3) Failure to stop and render aid as required under the
13 laws of this state in the event of involvement in a motor vehicle
14 accident resulting in the death or personal injury of another -- 6
15 points;

16 (4) Failure to stop and render aid as required under the
17 laws of this state or any city or village ordinance in the event of
18 a motor vehicle accident resulting in property damage if such
19 accident is reported by the owner or operator within twelve hours
20 from the time of the accident -- 4 points, otherwise -- 8 points,
21 and for purposes of this subdivision a telephone call or other
22 notification to the appropriate peace officers shall be deemed to
23 be a report;

24 (5) Driving a motor vehicle while under the influence of
25 alcoholic liquor or any drug or when such person has a
26 concentration of ten-hundredths of one gram or more by weight of
27 alcohol per one hundred milliliters of his or her blood or urine or
28 per two hundred ten liters of his or her breath in violation of any

- 1 city or village ordinance or of section 60-6,196 -- 6 points;
- 2 (6) Willful reckless driving in violation of any city or
3 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;
- 4 (7) Careless driving in violation of any city or village
5 ordinance or of section 60-6,212 -- 4 points;
- 6 (8) Negligent driving in violation of any city or village
7 ordinance -- 3 points;
- 8 (9) Reckless driving in violation of any city or village
9 ordinance or of section 60-6,213 -- 5 points;
- 10 (10) Speeding in violation of any city or village
11 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
- 12 (a) Not more than five miles per hour over the speed
13 limit -- 1 point;
- 14 (b) More than five miles per hour but not more than ten
15 miles per hour over the speed limit -- 2 points; and
- 16 (c) More than ten miles per hour over the speed limit --
17 3 points, except that one point shall be assessed upon conviction
18 of exceeding by not more than ten miles per hour, two points shall
19 be assessed upon conviction of exceeding by more than ten miles per
20 hour but not more than fifteen miles per hour, and three points
21 shall be assessed upon conviction of exceeding by more than fifteen
22 miles per hour the speed limits provided for in subdivision (1)(e),
23 (f), or (g) of section 60-6,186;
- 24 (11) Failure to yield to a pedestrian not resulting in
25 bodily injury to a pedestrian -- 2 points;
- 26 (12) Failure to yield to a pedestrian resulting in bodily
27 injury to a pedestrian -- 4 points; and
- 28 (13) All other traffic violations involving the operation

1 of motor vehicles by the operator for which reports to the
2 Department of Motor Vehicles are required under sections 60-497.01
3 and 60-497.02, not including ~~violations involving an occupant~~
4 ~~protection system pursuant to section 60-6,270,~~ parking violations,
5 violations for operating a motor vehicle without a valid operator's
6 license in the operator's possession, muffler violations,
7 overwidth, overheight, or overlength violations, motorcycle or
8 moped protective helmet violations, or overloading of trucks -- 1
9 point.

10 All such points shall be assessed against the driving
11 record of the operator as of the date of the violation for which
12 conviction was had. Points may be reduced by the department under
13 section 60-4,188.

14 In all cases, the forfeiture of bail not vacated shall be
15 regarded as equivalent to the conviction of the offense with which
16 the operator was charged.

17 The point system shall not apply to persons convicted of
18 traffic violations committed while operating a bicycle.

19 Sec. 2. Section 60-6,272, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-6,272. Any person who violates section 60-6,270 shall
22 be guilty of a traffic infraction and shall be fined twenty-five
23 dollars. ~~7 but no court costs shall be assessed against him or her~~
24 ~~nor shall any points be assessed against the driving record of such~~
25 ~~person.~~ Regardless of the number of persons in such vehicle not
26 wearing an occupant protection system pursuant to such section,
27 only one violation shall be assessed against the driver of such
28 motor vehicle for each time the motor vehicle is stopped and a

1 violation of such section is found.

2 Sec. 3. Original sections 60-4,182 and 60-6,272, Reissue
3 Revised Statutes of Nebraska, are repealed.

4 Sec. 4. The following section is outright repealed:
5 Section 60-6,271, Reissue Revised Statutes of Nebraska.